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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,987

10/12/2006

Stefan Werner

06-246

8104

34704 7590 04/22/2009

BACHMAN & LAPOINTE, P.C.

900 CHAPEL STREET

SUITE 1201

NEW HAVEN, CT 06510

EXAMINER

KERSHTEYN, IGOR

ART UNIT

PAPER NUMBER

3745

MAIL DATE

DELIVERY MODE

04/22/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,987	<b>Applicant(s)</b> WERNER, STEFAN	
	<b>Examiner</b> Igor Kershteyn	<b>Art Unit</b> 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/12/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 38, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claims 1, 11, 18, 26, 32, 38, 39, 42, 45, and 46, the word "means" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Claims 2-10, 12-17, 19-25, 27-31, 40, 41, 43, and 44 are indefinite by virtue of their direct or indirect dependency on the above claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-46, as far as they are definite, are rejected under 35 U.S.C. 102(b) as being anticipated by GB783881A1.

In figures 3-7, '388 teaches a device for guiding at least two flow media having different pressures, comprising a shaft (not numbered) or similar force-transmitting member and a pressure-insulating element such as a housing 7 surrounding the shaft or similar, characterized in that areas 14,15,16 which lie next to one another in the direction of the axis are defined between the force-transmitting member and the pressure-insulating element by means of sealing elements 8,9, wherein at least one of the sealing elements is designed to be leakage-free and two areas for fluids having different pressures flank an area for an auxiliary liquid and the latter area is subdivided by means of a device into two partial areas for two different pressure regions.

Claims 1-46, as far as they are definite, are rejected under 35 U.S.C. 102(b) as being anticipated by Choate (4,561,679).

In figure 1, Choate teaches a device for guiding at least two flow media having different pressures, comprising a shaft 16 or similar force-transmitting member and a pressure-insulating element such as a housing 10 surrounding the shaft or similar, characterized in that areas 25,30 which lie next to one another in the direction of the axis are defined between the force-transmitting member 16 and the pressure-insulating element by means of sealing elements 24, wherein at least one of the sealing elements is designed to be leakage-free and two areas 25,30 for fluids having different pressures

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flank an area for an auxiliary liquid and the latter area is subdivided by means of a device 26 into two partial areas for two different pressure regions.

Claims 1-46, as far as they are definite, are rejected under 35 U.S.C. 102(b) as being anticipated by Pecht et al. (5,217,233).

In figures 1 and 2, Pecht et al. teach a device for guiding at least two flow media having different pressures, comprising a shaft 16 or similar force-transmitting member and a pressure-insulating element such as a housing 12 surrounding the shaft or similar, characterized in that areas which lie next to one another in the direction of the axis are defined between the force-transmitting member and the pressure-insulating element by means of sealing elements, wherein at least one of the sealing elements is designed to be leakage-free and two areas for fluids having different pressures flank an area for an auxiliary liquid and the latter area is subdivided by means of a device into two partial areas for two different pressure regions.

### ***Prior Art***

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of one patent.

Kovaleski et al. (6,132,168) is cited to show a device for guiding at least two flow media having different pressures, comprising a shaft or similar force-transmitting member and a pressure-insulating element such as a housing surrounding the shaft or similar, characterized in that areas which lie next to one another in the direction of the

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axis are defined between the force-transmitting member and the pressure-insulating element by means of sealing elements, wherein at least one of the sealing elements is designed to be leakage-free and two areas for fluids having different pressures flank an area for an auxiliary liquid and the latter area is subdivided by means of a device into two partial areas for two different pressure regions.

***Contact information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is **(571)272-4817**. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on **(571)272-4820**. The fax number is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

/Igor Kershteyn/  
Primary Examiner, Art Unit 3745